



OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit.

FINAL

AI 116224 / PER20040001
GENERAL PERMIT NUMBER LAG300000

DEWATERING OF PETROLEUM STORAGE TANKS, TANK BEDS,
NEW TANKS AND EXCAVATIONS

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R.S. 30:2001, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. This permit authorizes persons who meet the requirements of Part I.A herein and who have been approved by this Office, to discharge to waters of the State wastewaters from the dewatering of petroleum storage tanks, underground petroleum tank beds or cavities, ballast used in the installation of new storage tanks, and the dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III of this permit.

This permit shall become effective on *January 1, 2005*

This permit and the authorization to discharge shall expire five (5) years from the effective date.

Issued on *December 7, 2004*

Karen K. Gautreaux
Deputy Secretary

SECTION A. APPLICABILITY

Coverage under this general permit is available for discharges of wastewater from the dewatering of petroleum storage tanks, underground petroleum tank beds or cavities, ballast water used in the installation of new tanks, and the dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Facilities eligible for coverage include, but are not limited to, gas stations, convenience stores, truck stops, vehicle maintenance and storage facilities, facilities at which new storage tanks are being installed, and facilities which are upgrading, repairing, and/or testing petroleum storage tanks.

This general permit may provide either site-specific or statewide authorization to discharge. Site owners or operators who conduct dewatering activities at various work sites throughout the state may obtain statewide coverage under this permit for discharges of dewatering wastewater. Statewide authorization numbers shall be designated LAG309XXX while the site-specific authorization numbers are LAG30YXXX, where X equals a numeral from 0 to 9 and Y equals a numeral from 0 to 8.

All persons operating a source or conducting an activity that results in a discharge as described above are eligible for coverage under this general permit and will become permittees authorized to discharge upon the receipt of a hand-delivered, correctly completed Notice of Intent (NOI) to the Office of Environmental Services, Permits Division or 48 hours after the postmark date on the envelope that contains the correctly completed NOI. **Submission of an NOI is an acknowledgement that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. The applicant's signature on the NOI legally certifies that the applicant qualifies for coverage under the permit and agrees to comply with all terms and conditions of the authorization to discharge to waters of the State of Louisiana.** Unless notified otherwise by the Secretary or his designee, eligible owners/operators are authorized to discharge wastewater and/or storm water under the terms and conditions of this permit.

Notice of Intent (NOI) to be covered under this general permit shall be made using Form DPST-G which may be obtained from the LDEQ web site at <http://www.deq.state.la.us/permits/index.htm>, or by calling (225) 219-3181. A separate NOI must be submitted to apply for either statewide permit coverage or for site-specific permit coverage. Applicants shall indicate which type of permit coverage is desired by checking the appropriate box on the NOI (site-specific or statewide). If activity is currently being conducted on a site-specific basis or a statewide basis and has not been permitted, an NOI shall be submitted immediately. Dischargers who are currently permitted under the LPDES version of this permit that expires on December 31, 2004, are not required to submit a new NOI. These permitted dischargers will be automatically covered under the reissued LPDES permit; notification of coverage and a copy of the

permit will be sent to each permittee after permit finalization. Permit conditions in the reissued permit are effective for these automatically-authorized permittees three days after the postmark date of the notification of coverage. Any permittee covered by an individual permit may submit form DPST-G and request that the individual permit be canceled if the permitted source or activity is also eligible for coverage by this general permit. Unless notified otherwise by the Permits Division, permit coverage under this general permit will become effective upon the date of receipt of the correctly completed form DPST-G by the Office of Environmental Services, and coverage under the individual permit will be terminated.

The permittee must keep a copy of the NOI that it submitted to the Permits Division and a copy of the general permit at the permitted facility. An NOI that was submitted for statewide permit coverage must be available at any/all site(s) where work is currently being conducted that might result in dewatering activity.

If circumstances at the permitted facility change in the future that result in the addition or elimination of permitted outfalls, or a change in the composition of effluent from a permitted outfall, the permittee is required to notify the Permits Division of the elimination/change of any outfalls that were identified in the NOI or the addition of outfalls that were not identified in the NOI that was submitted for general permit coverage. Notification of the addition or elimination/change of permitted outfalls, or a change in the composition of effluent from a permitted outfall, must be made in writing and must be accompanied by a site diagram that clearly illustrates and identifies current outfall locations at the site.

The permittee is required to submit a permit transfer request to the Permits Division if a permitted facility changes ownership or to change the name of the permitted operator for a statewide permit number if the operator changes. **The permit transfer request must be in writing, must be signed by both parties and notarized, and it must contain the following information:** the permit authorization number, the agency interest number, the date the transfer should be effective, the name and address of each company, a statement that the permittee wishes to transfer permit coverage to the new owner, and a statement that the new owner accepts transfer of permit coverage, which includes responsibility and liability for complying with the conditions of the general permit.

A printed hard copy of this permit may be obtained by contacting LDEQ's Office of Environmental Services, Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at www.deq.state.la.us/permits/lpdes/lpdesgenpermits.htm - LPDES Water Discharge General Permits.

The types of facilities where dewatering activities might occur include, but are not limited to:

1. Gas stations and convenience stores with fuel pumps;
2. Vehicle maintenance and storage facilities with fuel pumps;
3. Truck stops with fuel pumps;
4. Facilities at which new storage tanks are being installed;
5. Facilities at which petroleum is stored and/or used;
6. Facilities which are upgrading, repairing, and/or testing petroleum storage tanks.

All wastewaters covered by this permit must be treated, if necessary, to meet the effluent limitations, before being discharged from the site of origin. Wastewater types other than those described herein are not authorized under this general permit and discharge of such wastewaters at a site covered under this general permit will constitute a violation of the permit unless authorization to discharge has been granted under a separate LPDES permit.

Discharges of the following wastewaters are covered by this general permit:

1. dewatering of petroleum storage tanks;
2. dewatering of underground petroleum tank beds or cavities;
3. dewatering of ballast water used in the installation of new tanks;
4. dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum.

This general permit shall not apply to:

1. facilities implementing a groundwater remediation project;
2. discharges that are mixed with other, non-covered discharge types unless those other discharges are in compliance with another LPDES permit;
3. discharges which are required by the Louisiana Water Quality Management Plan or by an approved Waste Load Allocation to have more stringent effluent limitations;
4. discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined by the U.S. Fish and Wildlife Service;
5. discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize

impacts have been coordinated with the Louisiana State Historic Preservation Officer *(for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804 or telephone (225) 342-8170)*;

6. discharges of wastewater determined by this Office to present an environmental risk or potential risk of discharging pollutants of concern that would not be adequately regulated by this permit; or
7. discharges which cause or contribute to the violation of a state water quality standard.

At the discretion of this Office, coverage under this general permit may not be available to:

1. discharges from facilities not in compliance with a previously issued individual or general wastewater discharge permit;
2. discharges from facilities which have previously been in violation of state water quality regulations; or
3. discharges from facilities which are located in an environmentally sensitive area.

This Office reserves the right to issue these facilities an individual or other general permit with more appropriate limitations and conditions.

SECTION B. EFFLUENT LIMITATIONS

During the period beginning with coverage under this permit and lasting through the expiration date of this general permit, all permittees under this general permit are authorized to discharge the following wastewaters:

dewatering of petroleum storage tanks;

dewatering of underground petroleum tank beds or cavities;

dewatering of ballast water used in the installation of new tanks;

dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum

or a combination of these discharges in accordance with the conditions that follow.

OUTFALL 001: DISCHARGES OF:
BALLAST WATER USED IN THE INSTALLATION OF NEW TANKS
WASTEWATER FROM DEWATERING PETROLEUM STORAGE TANKS
WASTEWATER FROM DEWATERING UNDERGROUND PETROLEUM TANK
BEDS OR CAVITIES
WASTEWATER FROM DEWATERING OF EXCAVATIONS RELATED TO THE
SURFACE CLEANUP OF SPILLS OR LEAKS RESULTING FROM THE
HANDLING OF PETROLEUM

Outfall numbers used in the NOI must correspond to the appropriate outfall numbers in the permit. The permittee shall designate discharges of ballast water used in the installation of new tanks, and/or discharges of wastewater from the dewatering of petroleum storage tanks, dewatering underground petroleum tank beds or cavities, or dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum as Outfall 001. If more than one outfall of this type occurs at a facility, then each separate discharge point must be clearly identified as Outfall 001A, Outfall 001B, etc. (See the NOI, Section II for more specific instructions on how to designate outfall numbers.) Each outfall location for discharges described above shall be identified in the NOI and shall be monitored in accordance with the following table. In accordance with Part I.C of the permit, DMRs shall be submitted for each outfall location.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY ¹	SAMPLE TYPE
FLOW (gpd)	Report	Report	1/day	estimate
TOC	----	50 mg/L	once/discharge ²	grab
Oil & Grease	----	15 mg/L	once/discharge ²	grab
Total BTEX ^{3,4}		250 µ/L	once/discharge ²	grab
Lead ⁴		50 µ/L	once/discharge ²	grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	once/discharge ²	grab

¹ For discharges of ballast water used in the installation of new tanks, provided NO ADDITIVES SUCH AS CORROSION INHIBITORS OR BIOCIDES have been added to the water to be discharged, and if approved by the appropriate regional office (see Part II.B), the permittee may sample and run analysis for TOC, Oil & Grease, and pH at the time of discharge (i.e. not prior to discharge). A flow measurement must be taken during the sampling event. All other reporting requirements in Part I.C. and Part II.B must be met.

² A grab sample shall be taken and analyzed within 30 days prior to the proposed commencement of discharge to waters of the State. If any discharge extends beyond 72 hours duration, then additional sampling and analysis of the above parameters must be performed every 72 hours until the discharge ends.

For ALL DISCHARGES, results of the lab analysis shall be reported to the appropriate regional office at the addresses in the Current Address List attached to the cover letter that acknowledges receipt of the NOI by the Permits Division PRIOR TO THE COMMENCEMENT OF DISCHARGE as required by Part II.B. If the concentration of any effluent characteristic exceeds the daily maximum limitation at any time, or visual inspection of the flow reveals a sheen or free-phase product, then the discharge shall not commence, or shall cease if already under way, and the Enforcement Division of the Office of Environmental Compliance (phone (225) 219-3715) and the Registration and Certification Section (phone (225) 219-3029) of the Office of Environmental Services shall be notified.

- 3 BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, ortho-xylene, meta-xylene, and para-xylene, as quantified by EPA methods 602, 624 or 1624. EPA method 8021 shall be used for the measurement of xylenes including ortho-, meta-, and para-xylenes. Total BTEX shall be reported on the DMR form as the sum of the analytical results of the two EPA methods used.
- 4 Not required for discharges from clean, new tanks. Value on DMR should be shown as NR (not required).

There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

SECTION C. MONITORING REQUIREMENTS

1. All sampling and testing shall be conducted in accordance with the latest EPA-approved test method at 40 CFR 136.3 or the latest EPA-approved edition of Standard Methods For the Examination of Water and Wastewater.
2. For underground tanks, beds or cavities, and above-ground tanks discharging directly to surface waters of the State, samples shall be taken prior to the discharge from the tank or tank bed or cavity, and prior to mixing with other waters.
3. For above-ground tanks with secondary containment, if tank dewatering is routed into the secondary containment area prior to release to surface waters, samples shall be taken from the containment area prior to the release from the containment area.
4. Samples shall be taken prior to mixing with the receiving water (immediately after exiting the treatment mechanism, if treatment is required).
5. *Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge.*
6. The discharge must comply with effluent limitations at all times during the discharge. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.
7. All monitoring records must be retained for a period of at least three years from the date of the sample measurements. The permittee shall make available to this Office, upon request, copies of all monitoring data required by this permit.

Records of monitoring information shall include the following:

- a. date, exact place, and time of sampling or measuring;
 - b. individual(s) who performed the sampling or measurements;
 - c. date(s) and time(s) analyses were begun;
 - d. individual(s) who performed the analyses;
 - e. analytical techniques or methods used;
 - f. results of such analyses; and
 - g. results of all Quality Control procedures.
8. Monitoring results for each discharge point (outfall number) listed in the NOI must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). If there is no discharge event at any outfall(s) during the sampling period, write "No Discharge" in the upper right corner of the DMR. Permittees with site-specific permit coverage shall submit a DMR for each outfall identified in the facility's NOI for every

monitoring period even if there were no discharges. Permittees with statewide permit coverage shall submit a DMR for each outfall identified at all active sites identified on the current updated list of locations (see Part II.B).

Monitoring results for each discharge event shall be summarized on a Discharge Monitoring Report (DMR) form. On a quarterly basis, you must submit one DMR per outfall for each discharge event that occurred during the reporting quarter. If more than one sample is obtained during a discharge event, the results must be averaged and reported on the DMR. DMR General Instruction Number 5 defines "Average" as the arithmetic average (geometric average is used only for bacterial parameters) of all sample measurements for each parameter obtained during the "Monitoring Period". The schedule for quarterly DMR submission is as follows:

Quarterly Submission

Monitoring Period

January, February, March
April, May, June
July, August, September
October, November, December

DMRs Due

April 28th
July 28th
October 28th
January 28th

In accordance with LAC 33:IX.2503.B, DMRs must be signed and certified by an authorized person. Discharge Monitoring Reports shall be submitted to the Enforcement Division of the Office of Environmental Compliance, and to the regional office with jurisdiction at the point of discharge at the addresses in the Current Address List attached to the cover letter that acknowledges receipt of the NOI by the Permits Division. Mailing addresses are also posted on the LDEQ web page at www.deq.state.la.us under "addresses and phone numbers".

PART II OTHER REQUIREMENTS

The permittee must comply with all applicable provisions of the Louisiana Water Quality Regulations including standard conditions found in LAC 33:IX.2701. This Office has established the following definitions and requirements in accordance with those regulations. The definition of other terms may be found in the Louisiana Water Pollution Control Regulations (LAC 33:IX.2313).

SECTION A. DEFINITIONS

For definitions of monitoring and sampling terminology see Part III, Section F.

Additional definitions:

1. Act: means Act 449 of the 1979 Louisiana Legislature which established Section 2001 et seq. of Title 30 of the Louisiana Revised Statutes of 1950 and any subsequent amendment to these Sections.
2. Activity: means any conduct, operation or process which causes or may cause the discharge of pollutants into the waters of the State.
3. Ballast Water: means water that has been deposited into a storage tank in order to stabilize the tank during transfer or installation or to prevent flotation of the tank.
4. Commingled Discharges: means discharges that are mixed prior to discharge and can not be sampled separately as internal outfalls.
5. Daily Discharge: means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.
6. Daily Maximum: discharge limitation means the highest allowable "daily discharge" during the calendar month.

7. Dewatering of petroleum storage tanks, underground petroleum tank beds, or cavities: means short-term releases of relatively uncontaminated wastewaters which accumulate after an underground storage tank is emptied and cleaned of product or which accumulate in underground petroleum tank beds or cavities and which can be released with either no treatment or the application of oil/water separation prior to discharge.
8. Discharge: when used without qualification means the "discharge of a pollutant."
9. Discharge event: means a continual flow of water which has accumulated in a petroleum storage tank, underground storage tank bed or cavity, ballast used in the installation of new storage tanks, or the dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum, to waters of the state. Should the flow be interrupted (such as by inclement weather or equipment malfunction), then resuming the flow shall be considered a part of the same discharge event. Any proposed discharge planned to commence 14 days or longer after cessation of the previous flow at the site shall be considered a separate discharge event subject to re-notification to the regional office which has jurisdiction in the area where the discharge will occur.
10. Discharge Monitoring Report (DMR): The form used (including any subsequent additions, revisions, or modifications) to report self-monitoring results of effluent discharges by NPDES permittees and permittees in delegated states. EPA Form 3320-1 is the DMR form that must be used by permittees in the state of Louisiana (LPDES permittees) to report self-monitoring results.
11. Facility: means a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the State.
12. General Permit: means an LPDES permit authorizing a category of similar discharges within a geographical area.
13. Grab Sample: means an individual sample collected in less than 15 minutes.
14. gpd: means gallons per day.
15. mg/L: means milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.
16. Monthly Average: other than for fecal coliform bacteria, means the highest allowable arithmetic mean of the "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. The monthly average for fecal coliform bacteria is the geometric mean of the "daily discharges" over a calendar month.

17. Office: means the Office of Environmental Services within the Department of Environmental Quality.
18. Operator: means the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by the Title 33 regulations.
19. Outfall: means the point at which wastewater or storm water from a facility is monitored prior to mixing with other waters. An outfall can be identified either at the point that effluent or storm water discharges by pipe from a treatment plant or treatment system **or** the point at which effluent or storm water discharges into a drainage ditch on the property, into a roadside ditch, into a storm drain, or directly into a receiving water body such as a creek, coulee, bayou, canal, or river.
20. Owner: means the person or legal entity holding legal title to a facility with a discharge covered by the Title 33 regulations.
21. Person: means an individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, of any other juridical person.
22. Petroleum: means crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.
23. Secretary: means the Secretary of the Louisiana Department of Environmental Quality.
24. Site-specific: means any fixed location at which the activities covered by this permit occur. A fixed location may have several discharge points at that location.
25. Standard Methods: means Standard Methods for the Examination of Water and Wastewater, American Public Health Association, Washington, DC.
26. State Administrative Authority: means the Secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.
27. Tank Draw Water: means the water that is drawn from the bottom strata of a petroleum storage tank, and may consist of produced water, aqueous condensate, or contaminated storm water that has settled in the tank.
28. Unauthorized Discharge: means a continuous, intermittent or one-time discharge, whether intentional or unintentional, anticipated or unanticipated, from any permitted or unpermitted source which is in contravention of any provision of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) or of any permit terms and conditions, or of any applicable regulation, compliance schedule, variance or exception of the administrative authority.

29. Underground Storage Tank or UST System or Tank System: as defined in LAC 33:XI.103, an underground storage tank, connected to underground piping, underground ancillary equipment, and containment, if any.
30. Visible Sheen: means a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
31. Waters of the State: means both surface and underground waters within the state of Louisiana including all rivers, streams, lakes, estuaries, ground waters and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et seq.

SECTION B. REPORTING TO REGIONAL OFFICE

Written results of laboratory analyses conducted in accordance with the effluent limitations in Part I.B. of this permit, must be submitted to the regional office with jurisdiction at the point of discharge from that site at any time **prior** to commencing the discharge. The sample analysis must have been performed within thirty (30) calendar days of the proposed commencement of discharge. **If approved by the appropriate regional office**, prior submittal of laboratory analyses will not be required for discharges of ballast water used in the installation of **new** tanks provided no additives such as corrosion inhibitors or biocides have been added to the ballast water. In such instances, sampling shall be conducted for the purposes of DMR submittal at the time of the discharge in accordance with the effluent limitations for Outfall 001 in Part I.B of this permit.

Site-Specific Coverage:

After submitting the Notice of Intent (NOI) for site-specific permit coverage, the permittee is not required to submit written notification prior to commencing the initial discharge from the permitted site. In such instances, sampling shall be conducted for the purposes of DMR submittal at the time of the discharge in accordance with the effluent parameters and limitations for Outfall 001 in Part I.B of this permit.

Statewide Coverage:

The permittee must submit written notification to the regional office that has jurisdiction at the point of the proposed discharge at least 7 days prior to commencing the initial discharge from dewatering activities at a new location. Regional office addresses are provided in the Current Address List attached to the cover letter that acknowledges receipt of the NOI by the Permits Division and is also attached to the NOI form. Mailing addresses are also posted on the LDEQ web page at www.deq.state.la.us under "addresses and phone numbers". This notification must include the following information:

- 1) the location of the proposed discharge (along with a U.S.G.S. quadrangle map showing the discharge point(s) and the effluent pathway into the receiving waters; (Only one outfall of a particular type of wastewater at a site is designated as "Outfall 001.") If there are two or more outfall locations at a site for discharges of ballast water used in the installation of new tanks, and/or discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, or dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum, then outfall numbers are designated as "Outfall 001A," "Outfall 001B," "Outfall 001C," etc.
- 2) an updated list of locations, numbered sequentially, that identifies all sites where dewatering activities authorized by this permit have occurred in the past, where dewatering activities are currently occurring, and new site(s) where permitted activities will be occurring in the future. The list of locations where permitted activities have occurred shall be updated each time that the status of a site changes from "active" to "terminated," "terminated" to "active," or to add new "active" sites where permitted activities will be occurring in the future (*see part II.B. "Termination of Sites Discharging Under Statewide Permit Numbers" for additional reporting requirements*).

The list of locations shall include site name and location as well as an identifying number (e.g., site 1, site 2, etc.). These numbers will be used to identify each site covered under the statewide permit and shall be reported correspondingly on the DMR in the "Facility Location" section. Once a number has been assigned to a specific site it will remain with that site forever (even after dewatering activities have concluded). The status of activity at each site shall be noted on the list as "active" or "terminated". If dewatering activity occurs again at the site at some time in the future the original site number shall be used in the written notification sent to the regional office and on DMRs that are submitted to report the analytical results for samples of discharges collected at the site. The status of the site number on the list of site locations shall be updated to "active".

The "Discharge Number" on the DMR form shall be the outfall number for a specific site and shall be reported as "001", "001A", "001B", etc., according to the number of discharge points at a site. "001" is used to report the analytical results for samples taken when there is only one outfall (discharge point) at a site. "001A", "001B", etc. is used to report the analytical results for samples taken when there are two or more outfalls at a site.

- 3) the approximate date of commencing discharge.

- 4) the source and approximate volume of water to be discharged.
- 5) information regarding whether the discharge is to be from new or used equipment (pipe, tank, flowline, or other container).

Subsequent DMRs for this location must be submitted to the Office of Environmental Compliance (see part I.C.8). The statewide permit number, the physical address/location of the site and corresponding site number, and outfall number(s) must be reported on the DMR(s). The DMRs will be tracked as all other DMRs submitted to the Office of Environmental Compliance, by means of the permit number and outfall identifying number. Any exceedence of the permit parameters at any location will be considered a separate permit violation and subject to possible enforcement action by this Agency.

Termination of Sites Discharging Under Statewide Permit Numbers:

You must submit written notification to the Office of Environmental Compliance and to the regional office with jurisdiction at the point of discharge from the site when work at a site has been completed and the permitted activities at the site cease. Notification shall be sent no later than 30 days after discharges at the site have terminated. The written notification shall include an updated list of locations of permitted sites that identifies the site number and location where permitted activities have ceased. The status of that site shall be updated from "active" to "terminated" on the list of permitted sites. The updated list shall contain the following information:

1. company name and address
2. site name, address, and location
3. statewide permit number and identifying site number for this facility; and
4. date of termination of final discharge.

SECTION C. COMPLIANCE SCHEDULE

The permittee shall be in compliance with the effluent limitations and monitoring requirements specified herein on the date of coverage under this general permit. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.

SECTION D. OTHER DISCHARGES

This permit does not in any way authorize the permittee to discharge a pollutant not limited or monitored for in the permit, not normally associated with the activity represented in the notice of intent, or from a source not eligible for coverage under this general permit.

SECTION E. CONTINUATION OF EXPIRED GENERAL PERMIT

This permit expires five years after the effective date. Should this permit expire before it is reissued, this Office will administratively extend the permit to discharge, for permittees that were covered prior to the expiration, until such time that a new general permit is issued. Upon reissuance or replacement of this permit, the permittee must comply with the requirements for obtaining coverage under the new permit to maintain authorization to discharge.

SECTION F. TERMINATION OF AUTHORIZATION TO DISCHARGE

This Office reserves the right to revoke the authorization to discharge in accordance with this general permit as it applies to any person and/or require such person to apply for and obtain an individual permit if:

1. the covered source or activity is a significant contributor to pollution or creates other environmental problems;
2. the permittee is not in compliance with the terms and conditions of this general permit;
3. conditions or standards have changed so that the source or activity no longer qualifies for this general permit; or
4. the discharge limitations contained in this permit are not in accordance with the Water Quality Management Plan.

SECTION G. STATE WATER QUALITY STANDARDS

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the State. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biologic and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit.

To comply with the requirements of LAC 33:IX.2317.A.9, this permit does not authorize any discharge from a facility which is classed as a new source or new discharge, as defined at LAC 33:IX.2313, if the discharge will cause or contribute to the violation of water quality standards. Discharges from facilities permitted under LPDES general permits typically consist of low volume flows, and discharges that are intermittent in nature. This general permit is applicable to very specific types of facilities and allows very limited types of discharges that specifically occur at facilities that are eligible for coverage under this permit. The effluent limitations and other conditions are determined to be sufficient to assure protection to state waters. New source

discharges or new discharges of wastewater from a facility whose discharges are in compliance with the general permit requirements should not adversely impact water quality of 303(d) listed impaired water bodies nor should they cause or contribute to the violation of state water quality standards in receiving water bodies throughout the state, including 303(d) impaired water bodies. Allowing automatic permit coverage under this general permit will not negatively impact the water quality of receiving streams because permitted facilities are required to be in compliance with the general permit requirements immediately upon coverage by the permit. In accordance with Part II.F, II.I and II.L.1 measures can be taken by the permitting authority to prohibit any discharge that is not protective of state water quality standards.

SECTION H. PROPERTY RIGHTS

Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.

SECTION I. PERMIT REOPENER CLAUSE

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2907, and 6509. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. This Office reserves the right to reopen and modify this permit to conform to those standards necessary to maintain the water quality in order to support uses of the receiving water bodies.

SECTION J. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

SECTION K. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

SECTION L. REQUIRING AN INDIVIDUAL PERMIT OR AN ALTERNATIVE GENERAL PERMIT

1. The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the State Administrative Authority to take action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the State Administrative Authority shall notify the discharger in writing that a permit application or alternate general permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an application as required by the State Administrative Authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2515.B.3.c., with reasons supporting the request, to the State Administrative Authority at the Louisiana Department of Environmental Quality, Office of Environmental Services, P. O. Box 4313, Baton Rouge, LA 70821-4313, ATTN: Permits Division. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

3. In order to appropriately cover all discharges that might occur at a facility, a permittee authorized to discharge under this LPDES permit might also need coverage under an individual LPDES permit or other LPDES general permits for discharges that occur at the facility/site that are not authorized by this general permit. The permittee shall maintain appropriate permit coverage for the permitted facility/site and shall maintain compliance with all effective LPDES permits issued to the facility/site.

4. When an individual LPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative LPDES general permit, the applicability of this permit to that LPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. **When an individual LPDES permit is denied to an owner or**

operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative LPDES general permit, the applicability of this permit to the individual LPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the State Administrative Authority.

SECTION M. MORE THOROUGH REVIEW OF SELECTED NOIS

Coverage under this general permit may not be available to facilities with a recent unsatisfactory compliance history. If compliance and/or inspection records indicate that a facility can not be adequately regulated under this general permit then the applicant will be notified by the permitting authority of permit options available to the facility.

In accordance with Part II.F, II.I and II.L.1, the State Administrative Authority may take measures to prohibit any discharge that is not protective of state water quality standards.

SECTION N. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.b of this permit, violations of daily maximum limitations for the following pollutants shall be reported to the Office of Emergency Response. Notification of all violations of daily maximum limitations must be reported to the Office of Environmental Compliance Single Point of Contact (SPOC) within 24 hours upon discovering the unauthorized discharge or release. Notification can be made by email or orally utilizing any **one** of the following procedures: (1) use the Online Incident Reporting report and procedures found at www.deq.state.la.us/surveillance/irf/forms/; (2) use a direct email addressed to spillcomplaint@deq.state.la.us; or (3) verbally notify LDEQ by calling the LDEQ Hotline at (225) 342-1234, which is manned 24 hours a day, 7 days a week, or by calling the LDEQ-SPOC at (225) 219-3640 which is manned during normal office hours (M-F, 8:00 am – 4:30 pm). The online notification procedure removes the need to make a verbal call to the LDEQ Hotline or the SPOC phone number and allows the notification to be submitted directly to the SPOC electronically. The ExcursionForm.doc found at www.deq.louisiana.gov/surveillance/ may be completed and emailed to spoc@la.gov to satisfy the 24-hour reporting requirement. Under the provisions of Part III.D.6.d of this permit, the facility must also submit a Written Notification Report within seven (7) days after submitting the 24-hour electronic or verbal notification of any LPDES permit limit excursion. Written Notification Reports may be either faxed or mailed to the LDEQ, Office of Environmental Compliance, Surveillance Division. Written Notification Reports should be **either** faxed to (225) 219-4044 or (225) 219-3695, or mailed to the Louisiana Department of Environmental Quality, ATTN: Surveillance Division SPOC, Unauthorized Discharge Notification Report, P O Box 4312, Baton Rouge, LA 70821-4312.

Pollutants: None

PART III
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et. seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

a. *Individual Permits.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

b. *General Permits.* General permits expire five years after the effective date. Unless otherwise specified in the general permit, or notified by the Secretary or his designee, a permittee must submit an NOI/application for the permitted activity.

6. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;
- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant acts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;
- f. Change of ownership or operational control;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

SECTION B. PROPER OPERATION AND MAINTENANCE1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

(1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

- (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
 - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3.

SECTION C. MONITORING AND RECORDS1. Inspection and Entry

The permittee shall allow the state administrative authority, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.
- e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) will be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun and ended
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

(1) "Standard Methods for the Examination of Water and Waste Water". This publication is available from the American Public Health Association, Publication Sales, P. O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.

(2) "Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis". This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.

(3) "Methods for Chemical Analysis of Water and Wastes, Revised, March 1983," U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-84-128677.

- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982" U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979," U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
 - (2) Required as part of any permit application;
 - (3) Required by order of the department;
 - (4) Required to be included on any monitoring reports submitted to the department;
 - (5) Required to be submitted by contractor
 - (6) Otherwise required by department regulations.
- b. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

<http://www.deq.state.la.us/laboratory/index.htm>.

Questions concerning the program may be directed to (225) 765-0582.

SECTION D. REPORTING REQUIREMENTS1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

- a. Transfers by modification. Except as provided in LAC 33: IX.2901.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2903. A.2.b), or a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.
- b. Automatic transfers. As an alternative to transfers under LAC 33:IX.2901.A, any LPDES permit may be automatically transferred to a new permittee if:
 - (1) The current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
 - (3) The state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2905. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.state.la.us/enforcement/index.htm>

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification**a. Emergency Notification**

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Verbal Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the telephone notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge which exceeds reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance or by telephone within 24 hours after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 219-3640 during office hours or (225) 342-1234 after hours, weekends, and holidays.

- c. Information for Verbal Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:
- (1) name of person making the notification and telephone number where any return calls from response agencies can be placed;
 - (2) name and location of facility or site where the unauthorized discharge is imminent or has occurred using common landmarks. In the event of an incident involving transport, include the name and address of transporter and generator;
 - (3) date and time the incident began and ended, or estimated time of continuation if discharge is continuing;
 - (4) extent of any injuries and identification of any known personnel hazards which response agencies may face;
 - (5) common or scientific chemical name, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharged pollutants;
 - (6) brief description of the incident sufficient to allow response agencies to formulate level and extent of response activity.
- d. Written Notification Procedures. Written reports for any unauthorized discharge that requires verbal notification under Section D.6.a. or 6.b., or that requires written notification under LAC 33:I.3925, will be submitted by the discharger to the department in accordance with this section within seven calendar days after the telephone notification. Written notification reports will include, but are not limited to, the following information:
- (1) name of person, company, or other party who is filing the written report;
 - (2) time and date of verbal notification, name of person making the notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
 - (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
 - (4) details of the circumstances and events leading to any emergency condition, including incidents of loss of sources of radiation;
 - (5) common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharge pollutants, including methodology for calculations and estimates;
 - (6) statement of actual or probable fate or disposition of the pollutant or source of radiation;
 - (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Please see LAC 33:I.3925.B for additional written notification procedures.

e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
 - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
 - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F.; or
 - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
 - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 µg/L);

- (2) One milligram per liter (1 mg/L) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
- (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F.; or

ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
- (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b). rather than to specific individuals.

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
(3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

- (a) The chief executive officer of the agency, or
- (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
- (3) The written authorization is submitted to the state administrative authority.

- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION1. Criminala. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

d. False Statements

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than 4 years, or both.

2. Civil Penalties

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$27,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Clean Water Act" (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. "Accreditation" means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. "Administrator" means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Clean Water Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Clean Water Act.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Commercial Laboratory" means any laboratory that performs analyses or tests for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
8. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
9. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
10. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
11. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
12. "Grab sample" means an individual sample collected in less than 15 minutes.
13. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
14. "LEQA" means the Louisiana Environmental Quality Act.

15. "Louisiana Pollutant Discharge Elimination System (LPDES)" means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.
16. "Monthly Average" (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as a continuous record, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

17. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
18. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
19. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
20. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.
21. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
23. The term "MGD" shall mean million gallons per day.
24. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).
25. The term "ug/L" shall mean micrograms per liter or parts per billion (ppb).

26. "Weekly average", other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the daily discharges over a calendar week.
27. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
28. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
29. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
30. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.